

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

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| UNITED STATES OF AMERICA | § | |
| | § | |
| v. | § | CRIMINAL NO. 4:08-CR-118 ALM/KPJ |
| | § | |
| KENDRICK DEMONE GOLDEN (4) | § | |

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on May 16, 2017, to determine whether Defendant violated his supervised release. Defendant was represented by Tim Menchu. The Government was represented by Heather Rattan.

On January 22, 2009, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of two hundred ten (210) months imprisonment followed by a five (5) year term of supervised release for the offense of Conspiracy to Possess with Intent to Distribute Cocaine. On December 29, 2011, the Court issued an amended judgment and Defendant's sentence was reduced to one hundred twenty (120) months imprisonment. On December 2, 2015, pursuant to 18 U.S.C. § 3582(c)(2), Defendant's sentence was reduced to one hundred two (102) months imprisonment. Defendant began his term of supervision on March 2, 2016. This case was transferred to the Honorable Amos L. Mazzant, III, on March 27, 2017

On April 4, 2017, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 225). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or

local crime; (2) Defendant shall no unlawfully possess a controlled substance; (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (4) Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon; and (5) Defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons.

The Petition alleges that Defendant committed the following violations: (1) On March 7, 2017, Defendant was arrested by the Dallas Police Department for the felony offenses of Manufacture or Delivery of a Controlled Substance, in violation of Texas Health and Safety Code §481.112(d); Possession of Marijuana, in violation of Texas Health and Safety Code §481.121(b)(3); and Unlawful Possession of a Firearm by Felon, in violation of Texas Penal Code §46.04(a). Police reports indicate officers executed a search warrant at 4807 Bartlett Avenue in Dallas, Texas, on March 7, 2017. Defendant was located, wearing gloves, in the kitchen and appeared to be cooking cocaine. After noticing police inside the home, Defendant attempted to run and was detained. A search of the residence yielded approximately 56 grams of cocaine and 500 grams of marijuana. In addition, five firearms, including one potential stolen firearm, were located inside the residence; (2) As of this writing, Defendant remains in custody of the Dallas County Jail and Defendant's total bail was set at \$300,000. Dallas County District Court information indicates the cases were filed in Cause F-1752862, Cause F-175863, and Cause F-1752864 respectively. All three charges remain pending at this time; and (3) According to U.S. Probation Officer Jennifer Morris, Defendant remained unemployed from December 19, 2016 to March 7, 2017.

At the hearing, Defendant entered a plea of true to allegations two (2), three (3), and five (5).

Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the May 16, 2017, hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of thirty four (34) months, with no supervised release to follow, to run consecutively to any other sentence being served and/or to be issued. The Court further recommends that Defendant's term of imprisonment be carried out in FCI Seagoville, if appropriate.

SIGNED this 17th day of May, 2017.

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE